

Date

Mayor Eileen Bates-McCarroll
Town of Albany
P.O. Box 1000
Albany, Louisiana 70711

Re: Ethics Board Docket No. 2021-250

Dear Mayor Bates-McCarroll:

The Louisiana Board of Ethics, at its June 4, 2021 meeting, considered your request for an advisory opinion as to whether a member of the Town of Albany's Planning and Zoning Commission may be hired to perform surveying services for the Town.

FACTS PROVIDED

The Town of Albany is considering an annexation. In connection with such activity, the Town would like to consider Ross Kinchen to perform surveying services. Mr. Kinchen is an appointed member of the Town of Albany's Planning and Zoning Committee. The surveying services would be supervised by Mayor Eileen Bates-McCarroll and the town attorney, Sherman Mack. The Planning and Zoning Committee would not be supervising Mr. Kinchen in these matters.

LAWS

La. R.S. 42:1113B prohibits an appointed member of any board or commission, member of his immediate family, or a legal entity in which he has a substantial economic interest, from bidding on or entering into or being in any way interested in any contract, subcontract, or other transaction which is under the supervision or jurisdiction of the agency of such appointed member.

ANALYSIS

As Mr. Kinchen would be entering into a transaction that is not under the supervision or jurisdiction of his agency, there would be no violation of La. R.S. 42:1113B.

CONCLUSION

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would not prohibit Mr. Kinchen from performing surveying services for the Town of Albany, provided that such services are not supervised by Mr. Kinchen's agency.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Ethics. The Board issues no

opinion as to past conduct or as to laws other than the Code of Governmental Ethics. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

Charles E. Reeves, Jr.
For the Board

DISCLAIMER
This is a draft opinion and it is **NOT** an opinion of the Louisiana Board of Ethics.
No party may rely on the facts or conclusions. The analysis and conclusions herein are provided for discussion purposes only.
and are subject to change or revision at the meeting of the Board of Ethics at which this matter is considered.